

EAST TIMOR LAND LAW PROGRAM



**Centro Nacional de
Investigação Científica**



**Ministério de Justiça
Direcção de Terras e Propriedades**

FINAL RESEARCH REPORT: AN OVERVIEW OF LLP's RESEARCH ACTIVITIES

Prepared by East Timor Land Law Program
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Acronyms

CDU	Charles Darwin University
CNIC	National Research Center
DNTP	<i>Direcção Nacional de Terras e Propriedades</i> (Directorate of Land and Property), agency attached to the Ministry of Justice
GIS	Geographic Information System
GPS	Global Positioning System
LLP	Land Law Program
SOW	Scope of Work
UNTL	Universidade Nacional Timor Lorosa'e (National University)

1. Introduction

The USAID/ARD East Timor Land Law Program (LLP) concluded its field activities on July 31, 2004.¹ As a joint endeavor among ARD, Inc., the East Timor Ministry of Justice, the East Timor Directorate of Land and Property (DNTP) and the National University (UNTL²), LLP conducted applied research for, prepared and presented four major reports to the government in the 13 months since in-country activities commenced on July 1, 2003. Specifically, these reports concerned (1) State Property Administration/Lease of Government and State Property, (2) Land Dispute Mediation, (3) Land Rights and Title Restitution, and (4) Foreign Owner Compliance with the Constitution. Each of the final reports produced by LLP drew on field research and/or data analysis work completed in-country, supplemented by comparative studies reviewing the policy development experiences of countries faced with similar challenges elsewhere.

The concept of LLP was developed during late 2003 in the course of a visit to East Timor by USAID officials and consultants. During this visit, senior officials within the East Timor government made it explicitly clear that the government required recommendations on land law informed by social science research. Accordingly, the stated objective of the Scope of Work (SOW) for the project—at that time referred to as the Study of Land Issues in East Timor—was to ‘undertake a sound research program that will inform the development of East Timor land policy.’ The SOW demanded that:

...the research will be a scientifically rigorous investigation of the principal issues concerning property rights and land tenure security facing East Timor today, complemented by a review of experiences in other countries in confronting similar administrative and policy issues.

A further objective central to LLP’s activities has been the development of the social science research capacity of national partner institutions associated with the LLP—specifically UNTL and DNTP—in an effort to establish a solid basis for continued research-grounded input into the development and review of government policies after the close of the program. This outcome was also specified in the SOW, which required that ‘capacity-building training must be provided to Timorese research staff and counterparts within the university and Ministry.’ In accordance with this objective, on-the-job training was provided for UNTL and DTP staff throughout LLP’s research activities. In addition LLP developed, in association with Charles Darwin University (CDU), a Graduate Certificate Course in Social Science Research Methods, which was delivered in-country to 12 UNTL and DNTP staff associated with the LLP during the first half of 2004. This course was developed specifically to train students in the informed policy development methodology that has proved effective over the course of the first phase of the LLP.

¹ At the time of writing, planning activities were being undertaken towards the development of LLP II.

² Universidade Nacional Timor Lorosa’e (UNTL).

As this final research report is drafted, a number of laws based on LLP research findings and policy recommendations are progressing through government legislative institutions and procedures. A proposed Law on Leasing between Private Individuals was approved by a Council of Ministers vote on Thursday, June 24, 2004. Adopted as a government bill, the proposed law has been sent to Parliament for debate and possible promulgation. A further proposed Law on State Property Administration/Leasing of State Property is in the final stages of debate within the Council of Ministers before being promulgated. As a decree law,³ the Law on State Property Administration/Leasing of State Property will not have to be sent to Parliament for review and approval.

A third legislative bill on Land Dispute Mediation was finalized by LLP and the Ministry of Justice in late May 2004, following a roundtable forum at which the LLP research findings and policy options and recommendations were discussed among stakeholders.⁴ The Ministry of Justice will undertake internal debate on this proposed law before sending it to the Council of Ministers.

Finally, LLP has prepared reports presenting findings of research conducted in East Timor, as well as comparative information and policy options for a Law on Foreign Owner Compliance with the Constitution,⁵ and a Law on Land Rights and Title Restitution. These reports, in draft/working document form, were distributed to stakeholders and discussed at a roundtable forum held on June 30, 2004, and the resulting feedback has been included in the final copies of the reports.

All research and data assimilation activities associated with LLP were undertaken in collaboration with DNTP, UNTIL, and the National Research Centre (CNIC), located at UNTL. ARD is indebted to the staff of these organizations for their support throughout the program, as well as to officials of the East Timor Ministry of Justice for their encouragement and guidance.

The following pages include brief overviews of each of the applied research-based policy development reports and associated options and recommendations for legislation that LLP overtook over the course of the past 13 months. The overviews highlight key information, but this section is not intended as a substitute for the complete reports. Therefore, the reader is directed to the original documents for any detailed information or conclusions. The next section contains notes relating to capacity-building aspects of the program. The final section consists of a chart indicating the outcomes of LLP research reports in relation to the East Timor Ministry of Justice legislative drafting program.

³ Decree laws can be passed, and amended, by the Council of Ministers.

⁴ This roundtable forum took place in early April 2004.

⁵ The Constitution of East Timor reserves the right of property ownership to national citizens. A law on Foreign Owner Compliance with the Constitution is necessary to define the terms and conditions with which foreign proprietors must abide in order to comply with the Constitutional ban on foreign ownership of property in East Timor.

2. Applied Research-Based Policy Development Projects

(i) Report on Research Findings and Policy Recommendations for State Property Administration/Lease of Government and Private Property

Overview

The LLP Report on *Research Findings and Recommendations for State Property Administration/Lease of Government and Private Property*, hereinafter referred to as the 'Property Administration Report,' was delivered to the Government of East Timor in October 2003. This document drew both on in-country applied fieldwork targeting business owners, completed during August 2003, and two comparative case studies examining resolution of state property administration problems in comparable countries elsewhere in the region.

The Property Administration Report initially sought to inform preparation of a bill to regulate administration of state property, in order to support development of a legal environment that would encourage business investment on state land. A major research finding, however, was that the majority of businesses situated on leased premises are located on land owned by private individuals. Consequently, a major result of the research was the recommendation that two separate laws be developed: (1) a Law on Leasing between Private Individuals, and (2) a Law on State Property Administration/Leasing of State Property. The report also suggested that the East Timor Business Register be updated, among other things, in relation to the proportions of joint venture businesses in East Timor owned by foreign nationals.

Fieldwork Component

The applied research and fieldwork component of the Property Administration Report involved a 53-question survey that was completed by 223 Dili business proprietors randomly selected from the East Timor Business Register. Conduct of the research revealed that the Business Register itself was in need of updating, and this recommendation was also included in the report. This survey was limited to Dili to maximize on-the-job training and supervision of field staff during this first field phase. The survey sought the following data from each business proprietor interviewed:

- ◆ Ownership status of the business (foreign, national, mixed).
- ◆ Nature of the business.
- ◆ Size of the business (in terms of financial investment).
- ◆ Amount of land occupied by the business.
- ◆ Perceived value of the land occupied by the business.

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- ◆ Land tenure status of the premises occupied by the business (for example, does the business own its premises, lease them from government, lease them from private individual, etc.). For businesses that lease land, information was collected on whether the business possessed a formal lease for the land and, if so, details about the nature of the lease, including its terms and conditions.
 - ◆ Extent to which the business owner enjoys peaceful and undisturbed use of the premises.

Additional/Comparative Studies

Two comparative studies were commissioned to feed into the Property Administration report. The first was prepared by the Canadian legal consultants HBW International and was entitled *Facilitating Foreign Investment through Property Lease Options*. Maria Kabanova prepared the second report, entitled *Foreign Investment: Strategies and Land Tenure Rights*. Both of these studies examined options for encouraging investment in countries with legal provisions (constitutional or otherwise) limiting the ownership of land to national citizens or to other specific groups (as in the case of Indian reservations in the United States of America or Maori lands in New Zealand). The HBW International report on *Facilitating Foreign Investment* included analysis of foreign investment strategies in Cambodia, Hawaii, Mozambique, Papua New Guinea, Thailand and American Indian Reservations in several states. The Kabanova report included analysis of foreign investment strategies and land tenure rights in Vietnam, Fiji Islands, Mozambique and Maori lands in New Zealand.

Input to Legislative Development

The LLP Property Administration Report supported development of two laws. A proposed Law on Leasing between Private Individuals was approved by a Council of Ministers vote on Thursday, June 24, 2004. This proposed law was adopted as a government bill, and was sent to Parliament on July 5, 2004. A further, proposed Decree Law on State Property Administration/Leasing of State Property is in the final stages of debate within the Council of Ministers before promulgation.

(ii) Report on Research Findings and Policy Recommendations for a Legal Framework for Land Dispute Mediation

Overview

The LLP *Report on Research Findings and Policy Recommendations for a Legal Framework for Land Dispute Mediation*, hereinafter referred to as the 'Land Dispute Mediation Report,' was undertaken with the goal of enhancing the dispute resolution and land claim processing capacity of the Government of East Timor. The challenge of resolving the 10,000 land claims that have been lodged in East Timor since independence (for details, see the LLP *Report on Research Findings and Policy Considerations for a Law on Land Rights and Title Restitution*) requires that a realistic framework for the resolution of land disputes be added to the national

repertoire of dispute resolution mechanisms. This is of particular importance given that the formal court system is still in the process of developing to its full capacity. The objective of the Land Dispute Mediation Report, therefore, was to assess the extent to which effective and equitable land dispute resolution mechanisms functioned throughout East Timor, so that elements of these local dispute resolution systems could be incorporated into a national framework.

The applied field research component for the Land Dispute Mediation Report was undertaken during November 2003. That research identified a broad range of common elements which prevail throughout East Timor in relation to the resolution of land disputes, including the emphasis on reconciliation between disputants. The report presented information on a range of different kinds of land disputes, including data on the frequency of incidence, and difficulty of resolution, of specific kinds of disputes. The findings in the report led to recommendations on how scarce state resources might best be used to facilitate the lasting resolution of land disputes and hence contribute to an environment supporting investment by both domestic and foreign investors and, in turn, economic growth.

The policy assessment section of the report presented a range of issues related to the development of a law on land dispute mediation, and discussed the relative advantages of a number of options in relation to each issue. Finally, the report included a Recommended Mediation Process, outlined in flow chart form, for the consideration of policymakers. The research results and associated policy options were presented to a roundtable stakeholder forum held in early April 2004.

Fieldwork Component

Research for the LLP Land Dispute Mediation report involved key person interviews in every district. Individuals targeted included DNTP officers, district administrators, sub-district administrators, court officials, members of the clergy, non-governmental organization representatives, representatives from women's organizations and *Chefes de Suco* (village chiefs). Whereas district administrators and DNTP staff were interviewed in every district, other respondents were randomly selected. Overall, the LLP research team interviewed 142 key person respondents from 26 subdistricts and 52 villages throughout all 13 districts of East Timor. A further 60 randomly selected respondents from 2 subdistricts⁶ were also interviewed to assess the extent to which the views and accounts of randomly selected members of the population corroborated the views and accounts of key persons.

Information sought from respondents in the course of the Land Dispute Mediation research phase related to the following areas:

- ◆ Incidence of land disputes across East Timor.
- ◆ Nature of local processes for the resolution of land disputes.

⁶ One high land conflict subdistrict (Ermera Centre) and one low land conflict subdistrict (Manatuto Centre) were chosen to obtain respondents' views and perspectives on land dispute resolution under different levels of land conflict.

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- ◆ Outcomes of local system land dispute mediation processes.
 - ◆ Costs associated with processing land disputes through local resolution systems compared with the costs associated with the same activity conducted through the formal state court system.

Additional/Comparative Studies

LLP commissioned no comparative studies for this component of the project's applied research.

Input to Legislative Development

Following a roundtable forum held in early April 2004, at which stakeholders provided feedback following completion, distribution and review of the Land Dispute Mediation Report, the Ministry of Justice and LLP finalized a draft Decree Law on Land Dispute Mediation in late May 2004. The Ministry of Justice is now debating this draft decree law internally, prior to sending it to the Council of Ministers for review and eventual promulgation.

(iii) Report on Policy Options for Compliance by Non-National Claimants of Pre-Existing Land Rights in East Timor

Overview

As a newly independent state with a Constitution reserving the right to ownership of land to national citizens, East Timor must develop legislation to regulate the compliance of foreign land proprietors with the Constitution. Over 10,000 land claims relating to properties in East Timor are currently pending, resulting in large part from displacement during and towards the end of the period of Indonesian occupation. Of these 10,000 land claims, it is estimated that approximately 90% have been filed by Indonesian citizens.⁷ The Government of East Timor must therefore consider options concerning the kinds of rights (rights to land, to compensation, etc.) that will become available to successful foreign land claimants.

The objective, therefore, of the *Report on Policy Options for Compliance by Non-National Claimants of Pre-Existing Land Rights in East Timor* (hereafter referred to as report on 'Foreign Owner Compliance') was to enable policymakers to consider the options they could make available to non-national claimants of pre-existing land rights in East Timor to comply with the Constitutional ban on foreign ownership. The report drew on DNTP Land Claim Database development work undertaken by LLP in March and April 2004, as well as the business survey work undertaken by LLP in

⁷ Both the LLP report on Foreign Owner Compliance and the LLP report on Land Rights and Title Restitution contain details of the reasoning behind this conclusion.

2003⁸ and two separate desk studies (see Section on additional/comparative studies below).

A draft/working document containing research results and policy considerations was distributed to stakeholders in late June 2004. This document presented policy considerations concerning the following areas:

- ◆ Claimed and unclaimed property.
- ◆ State property and private property.
- ◆ Land and other immovable property.
- ◆ Non-nationals presently living in East Timor and those who have left East Timor.
- ◆ Types of pre-existing land rights.
- ◆ Natural persons and legal entities (e.g., corporations).

Following debate at a June 30, 2004 stakeholder roundtable forum, a final report was produced in July 2004, and will soon be delivered to the government.

Fieldwork Component

Although no in-country field survey work was undertaken specifically for the Foreign Owner Compliance report, it drew on the DNTP Land Claim Database development work undertaken by LLP in 2004,⁹ as well as the business survey work undertaken by LLP in 2003.¹⁰

Additional/Comparative Studies

One comparative study and one further case study were commissioned to support development of LLP's Foreign Owner Compliance Report. Peter Hutchins of HBW International prepared the comparative study entitled *Addressing the Pre-Existing Rights of Foreigners with Land Holdings under Current Regimes that Limit Property Ownership to Citizens*. Jon Unruh, an LLP team member, drafted the additional case study, entitled *Mozambique Land Issues Desk Study: Foreign Owner Compliance with Laws Reserving the Right to Ownership of Land to Nationals/The State; and Land Title Restitution Experiences, Strategies and Options*.

The Hutchins study focused on foreign owner compliance experiences in Cambodia, Mozambique, Vanuatu, Solomon Islands and the Philippines. The Unruh study provided a detailed account of foreign owner compliance developments in Mozambique.

⁸ See Section 2 (ii) above, on the *Report on Research Findings and Policy Recommendations for State Property Administration/Lease of Government and Private Property*.

⁹ For a brief outline of this exercise, see Section 2 (iv), below, on the *Report on Research Results and Analysis, and Policy Considerations for a Law on Land Rights and Title Restitution*.

¹⁰ See Section 2 (ii) above on the *Report on Research Findings and Policy Recommendations for State Property Administration/Lease of Government and Private Property*.

Input to Legislative Development

LLP's in-country 13-month first phase did not allow for the research results and policy considerations to be fully developed into draft legislation. This activity will have to be undertaken at a later stage.

(iv) Report on Research Results and Analysis, and Policy Considerations for a Law on Land Rights and Title Restitution

Overview

Since 1975, East Timor has been governed by five different regimes¹¹ applying a range of different land administration arrangements. Three of the four transitions of governance that occurred over this 29-year period were characterized by varying degrees of violence and social disruption, with (negative) implications for a range of land and property matters. Accordingly, the Government of East Timor has made it a priority to (a) develop a law that enables existing land rights from different eras and regimes to be reconciled into a single cohesive land rights system, and (b) establish guidelines for the processing of claims that have been lodged concerning past wrongful dispossessions of property rights. The objective of the *Report on Research Findings, Policy Options and Recommendations for a Law on Land Rights and Title Restitution* (hereinafter referred to as the 'Land Rights and Title Restitution Report') was to present data indicating community views on these matters, along with consideration of policy options.

Database development and research for the Land Rights and Title Restitution Report was undertaken between March and May 2004. Drawing on information contained in the DNTP land claims database, the Report on Land Rights and Title Restitution presented findings on the location of concentrations of land claims in East Timor, the nationality of claimants, and the kinds and quality of evidence presented by claimants to support their land claims. Conclusions from the survey component clarify the advantages of a simple land rights system. The survey also justifies the observation that a fair degree of confidence prevails within East Timorese communities concerning the validity of land claims of which respondents in those communities are aware. A draft/working document containing research results and analysis, and policy considerations, was distributed to stakeholders in late June. Stakeholders debated the policy considerations outlined in that document at a roundtable forum held on June 30, 2004. The final report was completed in July 2004, and is soon to be delivered to the government. This fourth LLP report includes a discussion of policy options (informed by the research, the additional studies, and the stakeholder feedback

¹¹ These include the Portuguese colonial administration, the First Independence Government, the Indonesian occupation administration, the UN transitional administration and the Government of the Democratic Republic of East Timor that came into being on May 20, 2002.

obtained in the course of the roundtable forum) relating to the development of a Law on Land Rights and Title Restitution.

Fieldwork Component

Two activities contributed to the in-country data collation work for the Land Rights and Title Restitution Report. To generate information about the distribution of land claims in East Timor, as well as information about the nationality of claimants and the basis of claims, LLP first supported development of the DNTP Land Claims Database. This work was undertaken, using UNTL students trained and supervised by ARD researchers, in March and April 2004. In addition to advancing development of the DNTP database, this exercise provided a useful indication of the nationality of land claimants, the basis of their claims, and the location of concentrations of claimed land parcels. LLP utilized this data in designing the next stage of the research.

The survey phase of the Land Rights and Title Restitution applied research involved interviews with randomly selected respondents. Over 700 interviews were completed in 11 subdistricts throughout the country. The survey instrument contained 23 questions. The random sample was determined using Geographic Information System (GIS) computer software. This software was used to identify random waypoints in the selected subdistricts, which applied research field teams subsequently located using Global Positioning System (GPS) hand-held units. Upon reaching each of the randomly generated waypoints, field teams interviewed the nearest household head. Information sought from respondents covered the following areas:

- ◆ Concepts of property ownership.
- ◆ Kinds of land rights of which respondents have knowledge.
- ◆ Kinds of land rights held by respondents.
- ◆ Land claims (incidence, respondents' knowledge of process of filing land claims, participation in process, and perception of process).
- ◆ Perceptions of the legitimacy of state land acquisitions under earlier regimes (particularly the Portuguese and Indonesia governments).
- ◆ Transference of properties.
- ◆ Proof and evidence of ownership.
- ◆ Relative legitimacy of different land rights (including separable rights).

Additional/Comparative Studies

Three additional studies were commissioned to feed into the analysis for this component of the LLP. Daniel Fitzpatrick conducted the first study, entitled *Comparative Desk Study of Land Title Experiences, Strategies and Options*. Jon Unruh prepared the second, entitled *Mozambique Land Issues Desk Study: Foreign Owner Compliance with Laws Reserving the Right to Ownership of Land to Nationals/The State; and Land Title Restitution Experiences, Strategies and*

*Options.*¹² The final report, by Laura Meitzner Yoder, is entitled *Principles and Practices of Rural Landholding in Oecusse, East Timor*.

Fitzpatrick's study, prepared in response to LLP's specific requirements, analyzed land titling experiences in Kosovo, Czechoslovakia, Albania, Cambodia, Vanuatu and South Africa. The Unruh study provided a detailed analysis of the Mozambique land titling experience. Meitzner Yoder's study analyzed rural landholding practices in the East Timor enclave district of Oecusse, based on Meitzner Yoder's Ph.D. research in Oecusse in recent years.

Input to Legislative Development

LLP's in-country 13-month first phase did not allow for the research results and policy considerations to be fully developed into draft legislation. This activity will have to be undertaken at a later stage.

¹² This study was also designed to inform the LLP report on policy options for compliance by non-national claimants of pre-existing land rights in East Timor (refer to Section 2 [iv], above).

3. Research Capacity-Building Notes

A major consideration throughout LLP has been development of capacity among national counterpart staff. The central objective of the project, however, has been the production of reports providing informed recommendations to guide government policy development. The work associated with organizing and coordinating field activities, as well as writing, editing and performing administrative tasks associated with production of research reports, challenged LLP in the early stages of the project to find the most appropriate means of conducting substantive capacity building. It is important to note in this respect that capacity building takes time to develop, and that to be of any lasting value, capacity-building activities must be built upon a suitable and, indeed, indispensable *prior knowledge base*. Accordingly, assessment of pre-existing knowledge and experience should be an important step in the preparation of any future learning/capacity-building activities.

During the early stages of the project, LLP counterparts from the National University (UNTL) requested involvement in decision-making relating to development of research designs, as well as on-the-job training in the course of field research activities. As LLP staff facilitated greater involvement of their UNTL counterparts, these interactions revealed a number of areas where national counterparts required additional training and skill development. As most UNTL and DNTP counterparts have at most B.A. degrees and limited prior formal training in the area of social science research methodology, their limited capacities in a number of areas are not surprising. In response to the capacity-building needs that LLP identified, an outline for a training course to provide UNTL and DNTP staff with a theoretical background in social science research methods was developed. During the first half of 2004, this course was delivered to ten UNTL lecturers and two DNTP staff, as an externally accredited Graduate Certificate in Social Science Research Methods.

The rationale of the research methods course was to ground participants in principles of social science research, and in additional skills necessary to undertake this work. Accordingly, the course comprised the following units:

- ◆ GCM400, a core research methods unit (80 hours).
- ◆ GCM401, a skills development unit incorporating training in four skill areas: Basic Computers (40 hours), Technical English (40 hours), Geographical Information Systems (GIS) and Global Positioning Systems (GPS) for Social Science Research Purposes¹³ (80 hours).

¹³ Attention was given to GIS and GPS systems firstly because LLP has been using these technologies for the generation of random samples, and secondly because of the particular role these technologies have in the methodology being employed in the East Timor Census. Census field workers, who went out in July 2004, have taken the coordinates of every house in the country. This information is now being entered into a national GIS database. This resource, in due course, could offer researchers the possibility of stratifying a sample using any of the range of variables measured in the census, and then selecting a sample complete with the coordinates of target respondents.

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- ◆ GCM402, a research project, in which participants work in groups to produce research reports designed to inform policy makers about specific land policy matters (40 hours).

Participants made important progress during the research methods course, and the experience of delivering it provided confirmation of the need to include attention to basics, and allocate appropriate time for training. Realities that imposed limitations on the speed of delivery included the following factors:

- ◆ Participants (UNTL lecturers and senior DNTP officers) receive modest wages, have families to support, and have not been eligible for payment for attendance at LLP training courses. Attendance at training can therefore be compromised by any competing employment/economic opportunities, as participants seek to support their families.
- ◆ Functioning computers are rare in the UNTL work environment and, at present, there are none in the offices of LLP's main counterpart unit, the Department of Social and Political Studies. Additional attention, therefore, had to be focused on the development of basic computer skills.

Again, the advantages of assessing skill levels in a number of areas prior to any future capacity-building activities appear clear. This might include areas such as proportional logic, which is important even for basic statistics. Assessments, however, must be done in a sensitive way, that recognizes the status of the individuals as university lecturers and senior public servants.

In addition to the capacity-building activities provided for counterparts in the national university and DNTP, ARD local staff have participated repeatedly in an extensive range of on-the-job training activities. A major outcome of this has been the development of the *Quadrilingual Land Term Glossary*. Prepared by ARD local staff as an on-the-job training exercise, the Glossary is intended to contribute to the improved comprehension of land terms by researchers and land administrators. This document has already demonstrated its utility, as UNDP have programmed it into a training course targeting Ministry of Justice technicians and officials. This highlights, as do the four major products of LLP applied research—much of the information for which was gathered by DNTP and UNTL staff and students—that training exercises can serve to generate useful information and, indeed, such exercises may *gain credibility in the eyes of participants* if they are deliberately designed to help students and participants produce useful products.

4. Chart Indicating LLP Outcomes

Government Legislative Project	Associated In-Country Fieldwork/Database Development Work ¹⁴	Comparative/ Additional Studies	Debate	Policy & Legislative Input
a) (State) Property Administration	Survey of 223 business completed in August 2003. Sample was randomly selected from the East Timor Business Register	1) <i>Facilitating Foreign Investment through Property Lease Options</i> , by Canadian consultants HBW International 2) <i>Foreign Investment: Strategies and Land Tenure Rights</i> , by Maria Kabanova	Conclusions and recommendations were debated within the Ministry of Justice.	A proposed Law on Leasing between Private Individuals was approved by a Council of Ministers vote on Thursday June 24. This proposed law has been adopted as a government law project, and is being sent to Parliament in coming weeks. A further proposed law on State Property Administration/ Leasing of State Property is in the final stages of debate within the Council of Ministers before being promulgated.
b) Land Dispute Mediation	Survey of 142 randomly selected key persons (including <i>Chefes de Suco</i> , subdistrict administrators, district administrators, NGO representatives), and 61 randomly selected respondents from 2 subdistricts, undertaken in November 2003.	No comparative studies were commissioned for this component of the LLP research.	The research results and associated policy options were presented to a roundtable stakeholder forum held in early April 2004. A draft law has now been prepared and is due to be debated within the Ministry of Justice later this year, before being sent to the Council of Ministers.	A draft decree law, on Land Dispute Mediation was finalized by LLP and the Ministry of Justice in late May 2004, following a roundtable forum at which the LLP research findings and policy options and recommendations were discussed among stakeholders. The Ministry of Justice will undertake internal debate on this proposed law before sending it to the Council of Ministers.
c) Foreign owner compliance with the Constitution	1) Development of the DNTP land claim database (as above), and 2) Use of the 2003 LLP State Property Administration findings.	1) <i>Addressing the Pre-Existing Rights of Foreigners with Land Holdings Under Current Regimes the Limit Property Ownership to Citizens</i> , by Peter Hutchins. 2) <i>Mozambique Land Issues Desk Study: Foreign Owner Compliance with Laws Reserving the Right to Ownership of Land to Nationals/The State; and Land Title Restitution Experiences, Strategies and Options</i> , by Jon Unruh.	Draft report/working document containing research results and policy considerations was debated at a roundtable stakeholder forum held on June 30, 2004.	Developments expected during the second half of 2004 and early 2005.
d) Land Rights and Title Restitution	1) Development of the DNTP Land Claim database. 2) Survey of 717 randomly selected respondents from 11 subdistricts undertaken in May 2004. Respondents were selected using geospatial technique. ¹⁵	1) <i>Comparative Desk Study of Land Title Experiences, Strategies and Options</i> , by Daniel Fitzpatrick. 2) <i>Mozambique Land Issues Desk Study...</i> by Jon Unruh (as above). 3) <i>Principles and Practices of Rural Landholding in Oecusse, East Timor</i> , by Laura Meitzner Yoder.	Draft report/working document containing research results and policy considerations was debated at a roundtable stakeholder forum held on 30 th June 2004.	Developments expected during the second half of 2004 and early 2005.

¹⁴ Additionally, development of the *Quadralingual Land-Term Glossary* continued over four revisions/editions during the first phase of LLP and informed all components of the program.

¹⁵ Geospatial sampling, in this case, was undertaken by generating random waypoints in the target subdistricts using Geographic Information Systems (GIS) software. Global Positioning System (GPS) units were then used by the field teams to locate these random waypoints. The nearest household head to each of the random waypoints was then interviewed.